Legislative Bill Drafting Commission 12007-02-8

S. Senate

IN SENATE -- Introduced by Sen

--read twice and ordered printed, and when printed to be committed to the Committee on

Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the Committee on

ENVCONLA
(Relates to prohibiting plastic carryout bags)

En Con L. plastic bags prohibit

AN ACT

to amend the environmental conservation law, in relation to prohibiting plastic carryout bags

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

IN SENATE__

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

s15 Addabbo	s03 Croci	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s50 DeFrancisco	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s26 Kavanagh	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s63 Kennedy	s21 Parker	s16 Stavisky
s36 Bailey	s55 Funke	s34 Klein	s13 Peralta	s35 Stewart-
s30 Benjamin	s59 Gallivan	s28 Krueger	s19 Persaud	Cousins
s42 Bonacic	s12 Gianaris	s24 Lanza	s07 Phillips	s49 Tedisco
s04 Boyle	s22 Golden	s39 Larkin	s61 Ranzenhofer	s53 Valesky
s44 Breslin	s47 Griffo	s01 LaValle	s48 Ritchie	s57 Young
s08 Brooks	s20 Hamilton	s45 Little	s33 Rivera	s32
s38 Carlucci	s06 Hannon	s05 Marcellino	s56 Robach	s37
s14 Comrie	s54 Helming	s43 Marchione	s10 Sanders	

IN ASSEMBLY_

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

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a049 Abbate	a034 DenDekker	a115 Jones	a132 Palmesano	al14 Stec
a092 Abinanti	a070 Dickens	a077 Joyner	a002 Palumbo	a110 Steck
a084 Arroyo	a054 Dilan	a040 Kim	a088 Paulin	a127 Stirpe
a035 Aubry	a081 Dinowitz	a131 Kolb	a009 Pellegrino	a071 Taylor
a120 Barclay	a147 DiPietro	a105 Lalor	a141 Peoples-	a001 Thiele
a030 Barnwell	a016 D'Urso	a013 Lavine	Stokes	a061 Titone
a106 Barrett	a004 Englebright	a134 Lawrence	a058 Perry	a031 Titus
a060 Barron	a133 Errigo	a050 Lentol	a023 Pheffer	a033 Vanel
a082 Benedetto	a109 Fahy	a125 Lifton	Amato	a055 Walker
a042 Bichotte	a126 Finch	a123 Lupardo	a086 Pichardo	a143 Wallace
a079 Blake	a008 Fitzpatrick	a121 Magee	a089 Pretlow	a112 Walsh
al 17 Blankenbush	a124 Friend	a129 Magnarelli	a073 Quart	a146 Walter
a098 Brabenec	a095 Galef	a064 Malliotakis	a019 Ra	a041 Weinstein
a026 Braunstein	a137 Gantt	a090 Mayer	a012 Raia	a024 Weprin
a119 Brindisi	a007 Garbarino	a108 McDonald	a006 Ramos	a059 Williams
a138 Bronson	a148 Giglio	a014 McDonough	a043 Richardson	a113 Woerner
a093 Buchwald	a066 Glick	a101 Miller, B.	a078 Rivera	a056 Wright
al 18 Butler	a150 Goodell	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a094 Byrne	a075 Gottfried	a020 Miller, M.L.	a027 Rosenthal, D.	a005
a103 Cahill	a100 Gunther	a015 Montesano	a067 Rosenthal, L.	a010
a044 Carroll	a139 Hawley	a136 Morelle	a025 Rozic	a017
a062 Castorina	a083 Heastie	a145 Morinello	a149 Ryan	a039
a047 Colton	a028 Hevesi	a057 Mosley	a111 Santabarbara	a046
a032 Cook	a048 Hikind	a003 Murray	a140 Schimminger	a074
a085 Crespo	a018 Hooper	a065 Niou	a076 Seawright	a080
a122 Crouch	a128 Hunter	a037 Nolan	a087 Sepulveda	a102
a021 Curran	a029 Hyndman	a144 Norris	a052 Simon	a104
a063 Cusick	a097 Jaffee	a130 Oaks	a036 Simotas	a107
a045 Cymbrowitz	a011 Jean-Pierre	a069 O'Donnell	a104	a142
a053 Davila	a116 Jenne	a051 Ortiz	a099 Skoufis	
a072 De La Rosa	a135 Johns	a091 Otis	a022 Solages	

- 1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).
- 2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

- 1 Section 1. The environmental conservation law is amended by adding a
- 2 new section 27-2708 to read as follows:
- 3 § 27-2708. Plastic carryout bag prohibition.
- 4 1. Beginning January first, two thousand nineteen, the provision of
- 5 plastic carryout bags at any point of sale to customers is prohibited.
- 6 2. This prohibition does not apply to (i) a reusable bag that is not
- 7 made of film plastic or a compostable bag; (ii) a plastic bag used sole-
- 8 ly to contain or wrap uncooked meat, fish, or poultry; (iii) a plastic
- 9 bag used by a customer solely to package bulk items, such as fruits,
- 10 vegetables, nuts, grains, or candy; (iv) a plastic bag used solely to
- 11 contain food sliced to order; (v) a plastic bag used solely to contain a
- 12 newspaper for delivery to a subscriber; (vi) plastic bags sold in bulk;
- 13 (vii) a plastic bag prepackaged for sale to a customer including, but
- 14 not limited to, a trash bag and a food storage bag; (viii) a plastic
- 15 garment bag; (ix) a plastic bag provided by a restaurant, tavern or
- 16 similar establishment to carry out or deliver food; or (x) any other bag
- 17 exempted by the department in regulations.
- 18 § 2. Section 27-2713 of the environmental conservation law, as amended
- 19 by chapter 481 of the laws of 2014, is amended to read as follows:
- 20 § 27-2713. Preemption.
- 21 Jurisdiction in all matters pertaining to plastic bag and film plastic
- 22 recycling and fees or other measures associated with reducing the use of
- 23 single use bags is by this article vested exclusively in the state. Any
- 24 provision of any local law or ordinance, or any rule or regulation
- 25 promulgated thereto, governing the recycling of plastic bags and film
- 26 plastic and fees or other measures associated with single use bags
- 27 shall, upon the effective date of this title, be preempted. Provided
- 28 however, nothing in this section shall preclude a person from coordinat-

- 1 ing for recycling or reuse the collection of plastic bags or film plas-
- 2 tic.
- 3 § 3. This act shall take effect immediately.